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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,738	12/04/2001	Jon R. Stieber	180009.91206B	8278
26710	7590	12/20/2005	EXAMINER	
QUARLES & BRADY LLP 411 E. WISCONSIN AVENUE SUITE 2040 MILWAUKEE, WI 53202-4497			RUDY, ANDREW J	
			ART UNIT	PAPER NUMBER
			3627	

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/004,738
Filing Date: December 04, 2001
Appellant(s): STIEBER ET AL.

Michael J. McGovern, Esq.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 29 September 2005 appealing from the
Office action mailed 06 April 2005.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

None.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-9 and 15-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-9 and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amos, US 6,554,184, in view of Watanabe, US 4,733,765, and further in view of Richardson, US, US 6,028,764.

(10) Response to Argument

Appellant's page 3 REMARKS with regards to "additional comments about inadvertent, incorrect operations are not understood" are not contained within the April 6, 2005 Final Office action.

Appellant's ARGUMENT has been reviewed, but is not convincing. In short the April 6, 2005 Final Office Action provides a proper basis for rejecting the claims under 35 USC 103. Appellant's contention that no new evaluation of the present claims was

conducted is noted, but not agreed with. The rejection articulated from the April 21, 2004 Final Office Action fully encompassed the claims, as amended during the prosecution history. Because the grounds for rejection did not change does not mean the amended claims were not freshly reviewed. Thus, Appellant was referred back to this April 21, 2004 Final Office Action as it contained Appellant's inventive concept.

Appellant's comment that Richardson was not included in the April 21, 2004 Final Office Action is opposite to what is clearly disclosed from pages 3-4 of this Action.

The combination of references cited may fully encompass the distance recited from the claim language. The localization comment does not provide a line of demarcation over the combination of references.

Appellant's comment that Amos is not wireless communication is opposite to the Internet, Telephone or Satellite Communications Networks (N) disclosed from Figure 2 of Amos.

Regarding the Advisory Actions, each is not ambiguous with regards to not entering the Amendment After Final. See box 3 and 3a from both the July 13, 2005 and September 6, 2005 Advisory Actions.

Claim Rejections - 35 USC § 112

Claims 2-9 and 15-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Appellant's ARGUMENT has been reviewed, but are not convincing. Applicant's claim language, as presented for Appeal, are deemed indefinite as articulated from the April 6, 2005 Final Office Action.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Andrew Joseph Rudy

Conferee:

Alexander Kalinowski, SPE, Art Unit 3627 